

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
October 6, 2005

Call to Order

The Mayor and City Council of Fayetteville met in regular session on Thursday, October 6, 2005 at 7:30 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Larry Dell, Walt White, Wilson Price, Glenn Brewer and Al Hovey-King. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

White moved to approve the minutes of the Regular Council Meeting of September 15, 2005. Dell seconded the motion. The motion carried unanimously.

Public Hearings:

Mayor Steele called Public Hearing on Beer, Wine and Distilled Spirits license for Bugaboo Creek Steakhouse located 1380 Highway 85 North for William J. Benz.

Dell moved to approve Beer, Wine and Distilled Spirits license for Bugaboo Creek Steakhouse located 1380 Highway 85 North for William J. Benz. Price seconded the motion. The motion carried unanimously.

Mayor Steele called 2nd Reading on Proposed Ordinance #0-37-05 – Rezoning Request from Scarbrough & Rolader to rezone 6.2 acres; (Pye Lake Estates) property located at the intersection of the northeast corner of lot 57 in Gingercake Landings and the southern right of way of Hood Avenue from R-22 to R-22 PUD.

Councilman Al Hovey-King excused himself from the meeting at this time stating that he lived in the Pye Lake area and for that reason did not want to be involved in the discussion or action on this item.

Eldridge Gunn, City Planner stated the applicant is requesting to rezone approximately 6.2 acres of land located along Hood Avenue from R-22 to R-22 PUD. This will allow for the development of 12 residential lots and will allow the City to address structural problems with the Pye Lake dam and downstream flooding problems. Additionally, as a part of this rezoning and pursuant to the development agreement between the City of Fayetteville and Mrs. Harriett Parham, Pye Lake was donated to the City of Fayetteville. The minimum lot width will be 70 feet and the minimum house size will be 2,300 sq. ft. with at least 1,200 sq. ft. on the first floor. There are currently some

existing structures on site, but they will all be removed. All of the proposed lots will have direct access from either Hood Avenue or Pye Road.

The underlying zoning, R-22, will not change. The added PUD zoning designation simply allows the residential lots to be developed in a way that will preserve and protect Pye Lake. The City has applied for a grant to fund structural improvements to the dam and if successful will start work as soon as possible within the next several months.

Per the development agreement, Pye Lake Drive shall be constructed and paved, pursuant to the City's specifications, and shall intersect Hood Avenue as more particularly described on the Plat. Pye Lake Drive shall be constructed and paved and made to intersect with the gravel road at the southern most point adjacent to lot 13 as shown on the Plat. Parham or Scarbrough & Rolader shall maintain the existing Gravel Road until such time as the Scarbrough & Rolader work is completed and accepted by the City. Scarbrough & Rolader will provide the grading to realign Pye Lake Drive pursuant to the Plat, Scarbrough & Rolader shall construct a stormwater drainage system for Pye Lake Drive pursuant to the City's specifications and Scarbrough & Rolader shall construct a graded aggregate base (6") and curb and gutter as part of the subdivision construction. The City shall not issue any building permits for Lots 8, 9, 10, 11, 12 or 13 as shown on the Plat until such time that Parham or Scarbrough & Rolader, comply with the above.

The City shall provide the asphaltic concrete binder course and the asphaltic concrete top course as part of the Pye Lake dam rehabilitation project to complete the paving.

The property is currently zoned R-22 and the City of Fayetteville's Comprehensive Plan Future Land-Use Map designates this site for low density single-family development. The zoning districts that correspond with low density single-family development are R-40 and R-70. R-22 zoning corresponds to medium density, but the applicant's proposed R-22 PUD zoning allows him to make adjustments that align the overall development and house sizes with low density single-family development. The applicant's proposed minimum house size (2,300 sf.) corresponds with low density development and not medium density. The properties to the north of the site are in the County. To the west of the subject property is Gingercake landing and zoned PUD; to the south is Pye Lake and a residential property zoned R-22; and the property to the east is zoned R-22 also.

There were no public comments.

Dell moved to adopt Ordinance #0-37-05 – Rezoning Request from Scarbrough & Rolader to rezone 6.2 acres; (Pye Lake Estates) property located at the intersection of the northeast corner of lot 57 in Gingercake Landings and the southern right of way of Hood Avenue from R-22 to R-22 PUD. White seconded the motion. The motion carried unanimously.

Councilman Hovey-King returned to the meeting.

New Business:

Mayor Steele called for approval of Beaverbrook Limited Warranty Deed from Bob Rolader for the Open Space area of the second phase.

Don Easterbrook, City Engineer state that he is requesting approval of the Limited Warranty Deed from Bob Rolader for the open space area of the second phase of Beaverbrook Subdivision. It is in accordance with the State Greenspace Program requirements and was reviewed by the City Attorney. The property was donated by Mr. Rolader as part of the approval requirements for the subdivision. Also attached is a drawing showing the open space area. This will add 18.54 acres to our greenspace program, bringing the total in the City to approximately 65 acres.

White moved to approve Beaverbrook Limited Warranty Deed from Bob Rolader for the Open Space area of the second phase. Price seconded the motion. The motion carried unanimously.

Don Easterbrook, City Engineer presented Bid Award for Culver Projects.

Don advised that we are proceeding with the stormwater culvert project as part of our stormwater management program. We opened bids on September 14 for twelve culvert locations. We received five bids as outlined in the attached letter and bid tabulation from ISE.

I request and recommend award of the Drainage Improvements contract to Ronnie D. Jones Enterprises. They are the low bidder and their base bid is \$1,622,564.50. However we are waiting on approval of a grant for Pye Lake and the downstream culverts on Cornwallis Way. Because of this, I do not recommend award of the portion of the bid related to the Cornwallis Way culverts at this time. These two culverts were included in the grant and I do not want to jeopardize the grant funding this work.

Therefore, I recommend Council award the bid to Ronnie D. Jones Enterprises in the amount of \$1,173,876.50. I further request the Mayor be authorized to sign the contract when bonds are provided and the City Attorney approves the documents. This project is funded through the stormwater fund.

Regarding the Pye Lake grant, the U.S. Fish and Wildlife Service is going to perform a study of mussels in the creek before FEMA will approve the grant. It is acceptable otherwise but if there are mussel colonies and if the proposed work would affect them, then there could be a problem with approval of the grant. The mussel study could take three to six months unless Fish and Wildlife will accept a previous study done in this area regarding mussels. We are checking on this option in order to expedite the approval process.

I will recommend award of the Cornwallis culverts after we receive approval or denial of the grant application.

Hovey-King moved to award Ronnie D. Jones Enterprises the contract in the amount of \$1,173,876.50, and the Mayor be authorized to sign the contract when bonds are provided and the City Attorney approves the documents. Dell seconded the motion. The motion carried unanimously.

Consent Agenda:

Mayor Steele called for approval of the Consent Agenda.

Resolution R-18-05 – Ga. Fund 1 Investment Pool Account Authorization.

White moved to approve the Consent Agenda. Dell seconded the motion. The motion carried unanimously.

City Manager and Staff Reports:

Joe Morton, City Manager advised bids were opened on the Wastewater Treatment Plant expansion today we will be getting this information to you soon. Also there is a lot of progress being made at the intersection of Jimmie Mayfield and Highway 92 South.

Brewer moved to adjourn the meeting. Hovey-King seconded the motion. The motion carried unanimously.

Respectfully submitted,

Judy Stephens, City Clerk